



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



January 7, 2004

Mr. Brian Wazlaw, Laboratory Safety Officer
Exeter Region Cooperative School District
Exeter, NH 03833

Re: September 5, 2003 Regulatory Interpretation Request

Dear Mr. Wazlaw:

The New Hampshire Department of Environmental Services, Waste Management Division (DES) has completed its review of your request for a regulatory interpretation dated September 2, 2003, regarding the application of the hazardous waste rules to used formaldehyde or formalin solutions and contaminated specimens. Based on our review of the request and the New Hampshire Hazardous Waste Rules (Env-Wm 100-1100), DES provides the following information:

The NH Hazardous Waste Rules contain two mechanisms for identifying a waste as a hazardous waste, lists and characteristics. A waste is a hazardous waste if it either is listed (Env-Wm 402) or it exhibits one or more of the defined characteristics (Env-Wm 403).

Used formaldehyde is not a listed hazardous waste; formaldehyde is listed (as U122) in Env-Wm 402.05(b), however, this listing refers only to discarded commercial chemical products, off-specification chemical products, container residues, and spill residues having the generic name "formaldehyde". The term "commercial chemical product" refers to a substance manufactured for commercial use which is commercially pure or a technical grade and formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a process waste or a spent material, that contains any of the substances listed in the "P" or the "U" lists (Env-Wm 402.04 and Env-Wm 402.05, respectively) of hazardous wastes. To be considered a hazardous waste, such process wastes will be listed in either the "F" or "K" lists (Env-Wm 402.06 or Env-Wm 402.07, respectively) of hazardous "process" wastes. Therefore, processes wastes that contain "P" and "U" substances are not regulated as hazardous wastes unless the generic or specific industrial process waste is listed (*i.e.*, formaldehyde used as a preservative).

Once it has been determined that the material is not a listed hazardous waste it must be determined if the used formaldehyde or formalin solutions and contaminated specimens exhibit any of the characteristics of hazardous wastes; if it does not exhibit any of the characteristics then it can be considered a solid waste. This determination may be performed by testing a representative sample or using knowledge of the hazardous waste constituents or characteristics of the waste, based on the materials or processes used to generate the waste. Based on DES research, some formaldehyde solutions may exhibit the hazardous waste characteristics of ignitability and corrosivity; however, it is unlikely that specimens originally placed in formaldehyde and then transferred to a container containing propylene glycol will be found to exhibit a characteristic of hazardous waste (*i.e.*, ignitable, corrosive, reactive, or toxic).

If it is determined that the used formaldehyde and formalin solutions with contaminated specimens are not hazardous wastes, the wastes would then be regulated as solid waste under the New Hampshire Solid Waste Rules (Env-Wm 100-300, 2100-3700). There are no specific solid waste rules pertaining to formalin solutions with contaminated specimens; please contact your solid waste transporter to ensure that they will accept the waste. Questions regarding the proper management and disposal of solid waste in New Hampshire should be directed to David Rousseau of the DES's Solid Waste Compliance Bureau, at (603)271-2925.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs>, or by contacting the Public Information Center at (603) 271-2975.

If you have any questions regarding this letter, please contact me or Robert Bishop, Waste Management Specialist, at (603) 271-2942.

Sincerely,



Tod G. Leedberg, RCRA Compliance Supervisor
Hazardous Waste Compliance Section
Waste Management Division

cc: RCRA/DB/RPB
David Rousseau, NHDES, Waste Management Division, Solid Waste Compliance Bureau

Email: Robert Bishop, Waste Management Specialist